

Private Admonition -- Board Case No. 2, 1988. Date of Sanction: February 5, 1988. Lawyer was retained to handle an appeal to Superior Court from a \$300.00 judgment entered against client in Justice of the Peace Court. Lawyer failed to file executed answers to interrogatories for 17 months. Opposing counsel filed a motion to compel which was granted. Lawyer was ordered to file proper answers by a certain date and was assessed with opposing counsel's fees in presenting the motion. Still, Lawyer did not file answers until three months after the Court's deadline. A year then passed with no activity in the case. The Prothonotary's office issued a Rule 41(e) notice advising counsel that the case would be dismissed for lack of prosecution if no action were taken shortly. Opposing counsel immediately requested that the case be scheduled for trial. Despite this, a couple of months later, an order was entered dismissing the case. A copy of the order was not sent to Lawyer, who did not learn that the client's case had been dismissed until over a year later. When this was discovered, Lawyer paid client the amount of the judgment entered against him by the Justice of the Peace Court. Sanction was imposed for neglecting client's case (**DLRPC 1.3**) and for failing to keep client reasonably informed about the status of his appeal (**DLRPC 1.4(a)**). Mitigating circumstances included the fact that Lawyer had no prior disciplinary record and that Lawyer had paid client the amount of the judgment prior to receiving notice of a disciplinary complaint.